

**From:** Alva Anderson W5VCJ  
**To:** Microsoft ATR  
**Date:** 12/6/01 4:16pm  
**Subject:** Microsoft settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

**CC:** aanderso.cw@verizon.net@inetgw,Roger Anderson

To whom it may concern:

There has been a lot of talk in the past few years about "monopolistic" practices by Microsoft, and I'd like to address these from a slightly different viewpoint than what you may normally hear expressed. First, let me state that I am in no way associated with Microsoft, nor any of the defendants or complainants, nor do I own stock in any of the companies that I am aware of participating in the suit. As a final disclaimer, I am not a lawyer, nor have I been privy to any special information about the case. However, I am a software engineer that has programmed under a variety of operating systems including Windows, various UNIX, and many others over a span of some thirty years.

We have heard it said that Microsoft has a monopoly in the operating systems software market, and that the simple fact of promoting its own operating systems amounts to "monopolistic and anti-competitive practices". This argument is seriously flawed, and flies in the face of historical fact.

The various operating systems known collectively as 'UNIX' began in the mid-sixties. It has evolved over time to become one of the finest operating systems ever produced. Because of its proprietary nature, and Federal actions that prevented AT&T from marketing it openly, several "versions" based loosely on the original code were developed by a number of entities. Until the early 1990s, both the hardware requirements (memory & disk space) and software licensing (price) requirements had kept it out of the "mainstream" desktop market. A claim could also be made that the technical expertise required to install, administer and maintain it were prohibitive for most potential users. So, in the early 1990s, a consortium was formed to standardize the system API, and simplify the installation and maintenance of UNIX. However, due to a number of factors (called competition) on the part of Sun, Novell, the X Consortium, and others, the effort never resulted in a serious market penetration in the personal desktop market.

In early 1984, Apple computer introduced the Macintosh and Lisa computers. This computer system was a quantum leap forward for personal computer users, and, as the court is well aware, heralded a new ease in operating systems for home PC users. However, this also was proprietary operating system, and even the hardware interface was closely guarded (legally) by Apple Computer. It is interesting to note that when the Macintosh made its debut in January, 1984, most of the applications that ran on it had been developed by Microsoft under a contractual arrangement.

I believe Microsoft could see the handwriting on the wall, and immediately set about developing its own system that could compete with the GUI interface of the Apple Macintosh. When I first saw this machine in May or June of 1984, I immediately bought one of the Macs and enrolled as an Apple Certified Developer. Like Microsoft, I realized that this GUI interface was the "wave of the future".

Then, in about 1991, a Norwegian student, Linus Torvalds, began developing a "free" UNIX clone as a consequence of his graduate thesis on Intel 80386 memory management. This operating system, now known as Linux, was not based on any of the original UNIX code, and was brought under the umbrella of the Free Software Foundation's "Copyleft" licensing scheme.

What is the point of all this? The point is that the various versions of the Windows operating system have succeeded not due to any monopolistic practices by Microsoft, but by what I believe is gross incompetence, greed, mismanagement by Microsoft's competitors, and, perhaps most importantly, by the choice of the consumer!

In the industry, it is generally agreed that Microsoft Windows was not a viable commercial product, nor for business nor on the desktop, until the introduction of Windows 3.0 in mid- to late-1991. What happened to all the competitors' products during that time? Why did they not make any progress on the desktop? Sun had been in the UNIX market for at least all of the 1980s, and 'X' (the UNIX GUI interface now licensed by the X Consortium) had

been around for years. Apple had practically mismanaged itself out of existence, tied up tens of millions of dollars in lawsuits against Microsoft and others, and tried to "live on its laurels". And this does not even cover the other companies like Commodore that, in some cases, had superior operating systems, viz. the Amiga. So what happened?

Competition happened, and the consumer spoke. Microsoft won convincingly, in an open market. Is Windows a "superior" operating system? Not in my opinion. It is one of several operating systems I use at home, but my heart is in UNIX. Let's look at what is available.

The cost of licensing UNIX software is prohibitive for home users. While Sun had a period of time where they "gave away" Solaris 7 for the x86 environment, the cost of their compilers are \$3000 and up. And where are all the applications? The cost of Adobe Framemaker is at least \$1000 per seat, and most of the other application software is likewise prohibitively expensive. Most of this software is targeted to the business market, by choice of the manufacturer. In other words, they have chosen to keep their prices high, or disregard the home market.

The promise of Linux (and Free-BSD and others) may never be realized in the home market, though it has made -- and continues to make -- real progress in the server market. Companies like RedHat have created "distributions" that make the installation of these UNIX clones available to the desktop user. This operating system software was "free" (to RedHat and others), meaning they do not have to pay any licensing fees. Since I like UNIX, I really like this system, but it does not have the dearth of applications that make an operating system popular, and it is just barely usable by most non-technically savvy users. While Adobe experimented with a beta version of Framemaker for the Linux market, it decided not to market it. Why? It is my belief that management either could not find a way to get customers to pay roughly \$1000 per seat, nor could they find a way to reduce the cost of a product without conflicting with the per seat cost to their business customers. In other words, their price would have to come down to an affordable price. Nor have they apparently felt it desirable to port their other desktop applications to the Linux platform. In addition, there is competition between the GUIs used for the desktop in Linux: Motif, XFree86, GNOME, or KDE. With this kind of confusion, who could blame the consumer -- or Microsoft?!

There are, of course, thousands of applications for the current version of the Macintosh. But, where Microsoft tries to maintain a backward compatibility with application vendors (not always possible), the Apple Mac history has been one of changing architectures, higher prices, "evangelism" to lure and keep consumers, and non-compatibility even with their own products.

So, what is the complaint against Microsoft? Is it that they gave consumers what they demanded, and that they gave it to them for a price that they were willing to pay while others were not? Are we to damn Microsoft for building an empire that the others had a chance to build, even with a head start of a decade or more, but did not or could not build? In my humble opinion, what we are seeing is the result of pure greed and envy on the part of Microsoft's competitors, and a desire to force consumers to pay more by throttling Microsoft.

There are many things that Microsoft has done that I do not like nor agree with. But I am NOT forced to buy their operating system. I can get Sun Solaris, OSI, BSD, Linux, Mac OS-X, ad infinitum, but I cannot get them for the same price as Windows XP, nor any of the other Microsoft operating systems. More importantly, I cannot get the applications that I want on most of the other platforms. Is this what Microsoft is to be "punished" for?

If the court -- i.e., you -- decide that any company is to be punished for its virtues, you enable the incompetent, the second-handers and the moochers to lay claim to all that they could not or would produce. This is a slap in the face of morality, and one which Nature will not allow the United States to get away with. The court can choose which values it wants to protect, but

it cannot escape the consequences of that decision. If it chooses to reward and protect individual effort, a free market, and the right to act on one's own decisions, then it acts to protect "traditional American values".

If, and only if, Microsoft has threatened its vendors or competitors, which would make the contracts null and void under [at least] ICC 201(g), should the court take action against Microsoft. On the other hand, if the court finds that Microsoft has not done this, it should send the complainants packing "with prejudice".

Thank you for the courts' consideration.

Sincerely ,

Alva Anderson, Jr.  
219 Martin Drive  
Wylie, TX 75098-4847